

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

Oklahoma Field Office  
201 Stephenson Pkwy, Suite 1200  
Norman, OK 73072

**Determination of NEPA Adequacy (DNA) Worksheet**

**The Strohm, OK Off-Range Pasture (ORP),  
Osage County, OK  
NEPA No. DOI-BLM-NM-0040-2020-0008-DNA**

**Office:** The Bureau of Land Management (BLM) Oklahoma Field Office (OFO), in close coordination with the BLM Headquarters Wild Horse and Burro (HQ WH&B) Program Office

**Proposed Action Title/Type:** Strohm Off-Range Pasture (ORP) / DOI-BLM-NM-0040-2020-0008-DNA

**Location of Proposed Action:** All or portions of T25N, R7E, Sec. 4-9, 16-20, 29, 30, and 31; AND T26N, R6E, Sec. 1, 12, 13, and 25, Osage County, Oklahoma (8,550-acres total)

**Applicant:** F. Ford Drummond

**A. Description of the Proposed Action**

The BLM Headquarters WH&B Program Office is proposing to continue an existing contract with the Strohm Wild Horse Long-Term Holding Facility to provide long-term care and maintenance for up to 954 excess animals on an 8,550-acre ORP sited on privately owned land in Osage County, Oklahoma, located approximately 8-miles northeast of Fairfax, OK. Based on current, available data the BLM OFO inter-disciplinary team (IDT) determined the Strohm ORP facility possesses sufficient carrying capacity and operational capability to humanely support the long-term physical well-being of up to 954 excess animals. This proposed Federal action would continue the use of these privately owned 8,550 acres as a long-term care and maintenance facility for excess animals, which were previously removed from BLM-administered lands. Additionally, the BLM HQ WH&B Program Office is proposing to authorize up to a 10% periodic increase in facility population to accommodate occasional shipments of excess animals to this long-term care and maintenance facility. Periodic deliveries exceeding overall carrying capacity is not projected to cause an undesirable impact on the facility's overall long-term carrying capacity or operational capability. Episodic excess animal deliveries would be short-term in nature and/or intended to replace animals the BLM anticipates to lose annually through natural attrition.

As the Federal Land Policy and Management Act (FLPMA) directs BLM to develop and maintain land use plans "for the use of the public lands," [43 USC 1712(a)], which is defined in Section 103 of the FLPMA to include any "land and interest in land owned by the United States . . . and administered by the Secretary of the Interior through the [BLM]" [43 USC 1702(e)], Resource Management Plan (RMP) conformance is not directed by the FLPMA, therefore not required for the NEPA analysis associated with this proposed Federal action to proceed. The BLM's obligation to develop and maintain land use plans is limited to the use of lands and interest in public land administered by the BLM. The obligation under section 202 of FLPMA to develop and maintain land use plans does not extend to the use of private lands.

The BLM's obligation to develop and maintain land use plans is limited to public land and interests in public land. This obligation, therefore, does not extend to animals, such as wild horses and burros. While

Sec. 3 of the Wild Free-Roaming Horse and Burro Act of 1971 (the "Wild Horse Act"), as amended, refers to wild horses and burros "as components of the public lands," [16 USC 1333(a)], the Wild Horse Act clarifies neither wild horses or burros are considered public land or an interest in public land. Specifically, Sec. 1 of the Wild Horse Act provides that wild horses and burros are "an integral part of the natural system of the public lands." [16 USC 1331]. Because the animals, themselves, are not public lands or an interest in public land, as defined by FLPMA, the BLM is not obligated to develop land use plans that include decisions governing the management of excess wild horses and burros on private lands, as is the case being proposed for those excess animals that would be accommodated on the Strohm, OK ORP. The BLM is therefore not obligated to ensure that such actions conform to decisions in an approved land use plan. Only those wild horse and burro management actions that occur on public lands (e.g., gather and removing wild horses, applying fertility controls) must conform to approved land use plans.

The proposed Federal action is limited to humane long-term care and maintenance of previously removed excess animals to an ORP located on privately owned lands.

Therefore, conformance with the approved 2020 Oklahoma Resource Management Plan (RMP), as amended, is not required by NEPA or FLPMA for this proposed action.

### **C. Applicable National Environmental Policy Act (NEPA) Document(s) and Other Related Documents**

- Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and Decision Record (DR) for the 2008 Environmental Assessment for the Strohm Wild Horse Long-Term Holding Facility (DOI-BLM-NM-0040-2008-0036-EA).
  - Date: March 2008
- Biological Assessment for the Strohm ORP
  - May 21, 2021
- Programmatic Biological Opinion for the American burying beetle for the Bureau of Land Management wild horse long term holding facility program, Consultation number 02EKOK00-2019-SLI-3280.
  - Date: April 1, 2010
- Cultural Resources

The proposed action proposes to renew the Wild Horse and Burro Off-Range contract with Ford Drummond Ranch. The project area encompasses 7,757 acres. The Oklahoma Archaeological Survey (OAS) files and Oklahoma State Historic Preservation Office's (OK SHPO) databases, as well as historical maps were searched for previously recorded sites within 1-mile of the project area.

The BLM initiated Government-to-Government consultation under NEPA in July 2020 and NHPA Section 106 consultation in March 2021 with the Caddo Nation, the Cherokee Nation, the Kiowa Tribe, the Nez Perce Tribe, the Northern Arapaho Tribe, the Northern Cheyenne Tribe, the Osage Nation, the Otoe-Missouria Tribe, the United Keetoowah Band of Cherokee, the Wichita & Affiliated Tribes, and the Wyandotte Nation regarding the presence of and potential effects on traditional cultural and religious concerns within the project area. No Tribes responded to the consultation letters; no specific Native American traditional cultural and religious concerns have been identified.

In March 2021, the BLM submitted the cultural resource report (NM-040-2020-051) to the Oklahoma State Historic Preservation Office (OK SHPO) and the Oklahoma Archeological Survey (OAS). The BLM made the determination of a finding of *No Adverse Effect to Historic Properties, as defined in 36 CFR§800.5(b)*, because the two previously recorded sites are not located within the project area (fenced out) and the Class III pedestrian survey of the disposal areas did not result in the discovery of any cultural resources.

The OK SHPO responded on April 28, 2021 and agreed with the BLM's finding of effect; the OAS responded March 29 and agreed with the BLM's finding of effect.

#### **D. NEPA Adequacy Criteria**

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Yes. The proposed action would provide long-term care and maintenance of up to 954 excess wild horses on 8,550 acres of privately owned land. The existing NEPA document (DOI-BLM-NM-0040-2008-0036-EA) analyzed a substantively similar alternative within the same analysis area/geographic location for the long-term care and maintenance of up to 800 excess wild horses on 8,550 acres of privately owned land in Osage County, about 8-miles northeast of Fairfax, OK.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?**

Yes. The range of alternatives analyzed in the Strohman ORP NEPA document (DOI-BLM-NM-0040-2008-0036-EA) are substantively the same environmental concerns, interests, resource values, and circumstances associated with the proposed Strohman, OK ORP.

**3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, or updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Yes. The NEPA document (DOI-BLM-NM-0040-2008-0036-EA) developed for the Strohman ORP adequately analyzed impacts to resources and resource values, including a review of impacts to soils, vegetation management practices, rangeland management practices, water resources, air resources, wetland and riparian areas, heritage resources, wildlife, wild horse and burro management regulations and policies, and mineral resources. In addition, the BLM OFO IDT has reviewed Wild Horse and Burro Program Facilities and Horse Inspection forms from 2016-2019 (see Table 1 below). According to the inspections performed by OFO WHB staff, horse body conditions have been maintained at the required Henneke Score (body condition of horses) of 4 or better, and pastures have not shown evidence of overgrazing.

Yes. The BLM OFO IDT concluded that the new information available did not substantively change the analysis of the new proposed Federal action.

Table 1. Wild Horse and Burro Program Inspection Records, Strohm ORP, 2016-2019

Date	Inspection Type	Henneke Score	Pasture Condition	Inspector
4/10/2019	Herd Count/Health	4-5	Good/Excellent	Glenn Bechtel
1/12/2018	Herd Count/Health	5	Good	Glenn Bechtel
1/17/2017	Range Monitoring	5	Good/Excellent	Glenn Bechtel
4/14/2016	Range Monitoring	6	Good	Glenn Bechtel

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Yes. Carrying capacity, stocking rates, and forage utilization calculations for the Strohm ORP were found to be within the acceptable thresholds analyzed in the Strohm Wild Horse Long-Term Holding Facility Environmental Assessment (DOI-BLM-NM-0040-2008-0036-EA). The March 2008 Strohm EA computed forage utilization by means of an up to a “50% forage use” rate, as analyzed using the National Resources Conservation Service (NRCS) Web Soil Survey (WSS) soil productivity software application tool. Using adaptive management planning practices, the BLM OFO IDT applied a more conservative forage utilization rate of up to a “50% of 50% forage use” rate (i.e., 25% total use) to sustain the 800 excess animals being proposed for long-term care and maintenance at the Strohm ORP. This 25% forage usage rate would further mitigate opportunities for undesirable impacts on the land resulting from overgrazing. The proposed 2019 stocking rate would provide approximately 6-acres of grazing pasture per horse and utilize about 22% of annually available free-standing forage. Further, up to four-months of supplemental feed (alfalfa, Bermuda hay, etc.) would be made available by ORP facility management during periods of reduced forage availability (i.e., winter months, natural disasters, wildfires, etc.).

**5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Yes. Public involvement and interagency review for the proposed Strohm ORP has been determined to be adequate for the current proposed action.

**E. Persons/Agencies/BLM Staff Consulted**

Name	Title	Resource/Agency Represented
Rebecca Theodorakos	Planning & Environmental Specialist	BLM, Oklahoma Field Office
George Thomas	Wildlife Biologist	BLM, Oklahoma Field Office
Erin Knolles	Archeologist	BLM, Oklahoma Field Office
Jamie Palmer	Archaeologist	BLM, Oklahoma Field Office
Patrick Rich	RMP Team Lead	BLM, Oklahoma Field Office

## CONCLUSION

Based on the review documented above, I conclude that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the National Environmental Policy Act's mandate.

---

Rebecca Theodorakos, Planning & Environmental Specialist, Project Lead

Date

---

Robert Pawelek, Field Manager, Oklahoma Field Office

Date

**Note:** The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.